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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,823	09/26/2001	Gregg M. Cox	ESN-41	1214
26875	7590	04/08/2005	EXAMINER	
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			BOA, DIHYE A	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,823

Applicant(s)

COX ET AL.

Examiner

Dihye Boa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/24/2003</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: items 12', 16', 20' 22', 24', 48', Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 10 is objected to because of the following informalities: the phrase "reality time without interim" in line 2 of claim 10 is undefined. The interpretation henceforth will be the exact time of the translation.

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3. Claim 12 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 9 to 11 and 1 to 8. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-3 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Cherny (U.S. Patent 6,219,646).

7. As per claims 1 and 3, Cherny teaches:

- an electronic device (col. 4, lines 48-49) with

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- an electronic text recording device (col. 3, line 8, col. 4, line 17) which records a text (input system 102 may receive voice input or scanner as text, col. 4, lines 13-16) which is written or spoken in a first language, and transforms into electronic data,
- an electronic data transmission device (electronic device, col. 4, lines 47-48) which is in data transmission connection
- a text recording device (scanner, Fig 2, element 206) and which comprises a data processing system (Fig 1) and a translation program saved in the processor or a data saving system with a data bank (a database with each word input from a source language, col. 5 lines 9-11) with saved grammatical and vocabulary information (language rules) (Fig 1, elements 124 and 126) on the first and second language and translates the electronic data by means of the processor (Fig 2, element 106) according to the language rules (Fig 1, elements 124 and 126) into second language, and with an electronic text reproduction device (col. 4, line 53) which is in data transmission connection with the data translation device and which reproduces the second electronic data as written and /or spoken text (translation information, col. 4, line 58).

8. As per claim 2, Cherny teaches all of the limitations of claim 1. Cherny further teaches a script scanner (Fig 2, element 206) and a processor and a script recognition program (Fig 2, element 208) saved in the processor or a data saver (message stored in memory, col. 7, line 17) and /or a microphone (col. 3, line 8) and/or a keyboard (Fig 2, element 210).

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9. As per claim 3, Cherny teaches all of the limitations of claims 1 and 2. Cherny further teaches the electronic reproduction device contains a loudspeaker and/or a screen (Fig 2, element 210) and/or printer and/or data exit interface (Fig 3, element 306).

10. As per claim 8, Cherny teaches the first device unit (telephone, col. 4, line 41) and the second device unit (printer, col. 4, line 50) contain co-functioning connection media for signal connections for written reproduction of the translation recorded from the first device unit of spoken text.

The rest of the limitations are rejected for the same reasons as set in claims 1 and 3.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4-7 and 9-12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cherny (U.S. Patent 6,219,646) in view of Delgado *et al.* (US PAP 2004/0205674).

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13. As per claim 4, Cherny teaches language rules (Fig 1, elements 124 and 126) of more than a second language. Cherny does not explicitly teach language selection device for selection of the second language.

Delgado teaches language selection device (specifies original and desired translation such as Russian to Italian, ([0044], lines 9-10).

Cherny and Delgado are analogous art because they are both in the language translation field.

The suggestion or motivation for combining Cherny and Delgado is to use proper target language and to make it easier for the recipient to communicate better.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the language selection device of Delgado with Cherny to conveniently control the specific language as taught by Delgado [0038], lines 9-10.

Therefore, it would have been obvious to combine Cherny with Delgado to obtain the invention as specified in claim 4.

14. As per claim 5, Cherny teaches a text transmission device comprises of all the limitations of claim 1 upon which claim 5 depends. Cherny does not explicitly teach the language rules and gender selection

Delgado teaches: language rules means to modify either in verb tense, gender, subject or object matching, singular and plural ([0039], lines 1-10) and gender selection, ([0039], lines 4-5).

Cherny and Delgado are analogous art because they are both in the language translation field.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the language rules and the gender selection of Delgado with Cherny. The suggestion or motivation to combine Delgado and Cherny is to identify the gender of a person in order to be able to synthesize translated words associated with that person correctly.

Therefore, it would have been obvious to combine Cherny with Delgado to obtain the invention as specified in claim 5.

15. As per claims 6 and 7, Cherny teaches text transmission device comprises of all of the limitations of claim 1 upon which claims 6 and 7 depend. Cherny does not explicitly teach language rules contain interdependent from the grade of courtesy and/or formality of the author.

Delgado teaches language rules ([0039], lines 1-10) contain interdependence from the grade of courtesy and/or formality of the author (formal or informal addressing, [0039], lines 7-8).

Cherny and Delgado are analogous art because they are both in the language translation field.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the language rules and the interdependence from the grade of courtesy and/or formality of the author of Delgado with Cherny.

The suggestion or motivation for doing so is to perform accurate translations from the user's native language to the desired target language. Therefore, it would have been obvious to combine Cherny with Delgado to obtain the invention as specified in claims 6 and 7.

16. Claims 9-12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cherny (U.S. Patent 6,219,646) in view of Stentiford *et al.* (U.S. Patent 5,384,701).

17. As per claim 9, Cherny teaches:

- electronic recording of a text spoken or written (electronic device, col. 4, lines 48-49).
- a program guided electronic assignment (words in one language with associated translations, col. 2, line 62) of the ascertained word of the second language.
- a program guided electronic adjustment of the grammatical form (col. 5, line 35).
- an electronic reproduction (video screen, Fig 2, element 210) of electronic data.

Cherny does not teach a program guided electronic separation of data in words, and an indication code of each word. However, Stentiford teaches key pairs (or other multiples) of words with various separations between them (col. 4, lines 5-6) and a program guided electronic determination of an indication code (code words, col. 7, line 30) of each word of the text. It would have been obvious for one of ordinary skill at the time of invention to combine Cherny with Stentiford. The suggestion or motivation for doing so is to increase the translation accuracy of the given language.

18. As per claim 10, Cherny teaches all of the limitations of claim 9 upon which claim 10 depends. Cherny further teaches time without interim saving of the data (real-time translation, col. 3, line 5).

Therefore, it would have been obvious for one of ordinary skill at the time of invention to combine Cherny with Stentiford. The suggestion or motivation for doing so is to enable a rapid and accurate translation.

19. As per claim 11, Cherny teaches a process comprising of all the limitations of claims 9 and 10 upon which claim 11 depends. Cherny further teaches a sound signal assigned to each word (voice signal in the translated language, col. 4, lines 42-43), which represents the usual pronunciation of the word (Abstract, words spoken into a telephone are translated and produced as synthesized voice signals).

Cherny and Stentiford are analogous art because they are from the same field of endeavor namely machine translation.

Therefore, it would have been obvious for one of ordinary skill at the time of invention to combine Cherny and Stentiford in the sound signal assigned to each word to enable translation of target language on the screen.

20. As per claim 12, as being in improper form because a multiple dependent and has not been considered.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaji *et al.* (U.S. Patent 5,020,021) teach automatic language translation using dictionary storage and a noun table.

Masuzawa *et al.* (Patent No 4,393,460) teach simultaneous electronic translation device.

Tominaga (Patent No 4,958,285) teaches natural language processing including a grammar rules information, and search word table for storing words to be searched.

Golding (U.S. Patent 6,192,332) teaches translation language which includes gender selection and the level of formality with which the user wishes to address the listener, i.e., formal or familiar.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner Dihye Boa, whose telephone number is (571) 272-7609. The examiner can normally be reached on Mon-Fri 8:30am-5: 00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits, can be reached on (571) 272-7628. The facsimile phone number for the Technology Center 2600 is (703) 872-9306.

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23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dihye Boa

03/30/2004


RICHMOND DORVIL
SUPERVISORY PATENT EXAMINER